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Compensation Act of Rhode Island (1912 Pub. Laws, Ch. 831) which provides for adjustment of compensation when an injured employee's incapacity is increased, diminished or ended, but which is absolutely silent about the right to or procedure for modification or vacation of decree in case of subsequent change in the financial condition of a deceased workman's dependents. Section 7 of the Act, in part, reads: "The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee: (a) A wife upon a husband with whom she lives or upon whom she is dependent at the time of his death". A consideration of this definition would seem to warrant the inference that dependency is determined with reference to the situation at the time of the workman's death and not, as the court states, "at the time of the injury which results in his death." However that may be, the first clause of paragraph (a) plainly indicates that the wife need not be *in fact* either partially or wholly dependent financially upon her husband at the time of his death to entitle her to compensation, and the court's finding that her subsequent financial independence would not terminate her right to compensation, certainly appears to be in keeping with the legislature's intention. *Botts Case*, 230 Mass. 152, 119 N. E. 755, decided under a similar act, supports the principal case and concludes that, "Whatever incongruity there may be in continuing payments to a person on the presumption that she is dependent on a deceased husband when in fact she is receiving ample support from a new husband is a matter for the Legislature and not for the courts to remove". Whether or not in like recognition of such "incongruity", the New Jersey Act of 1911 (P. L. p. 134) was amended in 1913 (P. L. p. 302) to cut off the widow's right to compensation if she remarried before the end of the period covered by weekly payments may not be entirely clear. Yet in *Hansen v. Brann and Stewart Co.* (N. J., 1917), 103 Atl. 696, the court refused to stop compensation the right to which vested before passage of the 1913 amendment, although the widow remarried after that legislation went into effect. Maryland provides (Acts 1914, Ch. 800, Sec. 42) that if the widow remarries without *dependent children*, "all compensation under this amendment shall cease." In Illinois (Hurd's Rev. St. 1915-16, Ch. 48, Sec. 7) compensation is paid to the widow if the deceased workman was under legal obligation to support her at the time of his injury or contributed to her support within four years previous to that time, and it has been held that no proof of dependency is necessary to a recovery *American Mill Co. v. Industrial Board of Illinois*, (Ill., 1917) 117 N. E. 147.

WORKMEN'S COMPENSATION ACT—"TOTAL DISABILITY."—Previous to his employment by the Wabash Railway Co., Williams, the applicant for compensation, had lost an arm. While in the employment of the railroad he lost a leg. *Held*, in view of the former incapacity the loss of a leg constituted "total disability" within the Workmen's Compensation Act. *Wabash Railway Co. v. Industrial Commission* (Ill., 1918), 121 N. E. 569.

The Illinois Workmen's Compensation Act provides that the loss of both hands or both arms, both feet, both legs, both eyes, or any two of them, shall constitute total and permanent disability. *Hurd's Rev. St. 1917*, c. 48, Sec.

133. The instant case decides that the loss of any one of these members when combined with the loss of another member previous to the employment constitutes "total disability." The question of the instant case, under similar statutory provisions, has arisen in only four other American cases. Three of these cases are in accord with the instant case. *Eugene Branconnier's Case*, 223 Mass. 273 and *In re J. & P. Coats (R. I.) Inc.* (R. I., June, 1918), 103 Atl. 833 (holding the loss of the remaining eye during employment constituted "total disability"); *Schwab v. Emporium Forestry Co.*, 153 N. Y. S. 234 (loss of the remaining hand during employment "total disability"). The fourth case (*Weaver v. Maxwell Motor Co.*, 186 Mich. 588), which is *contra* to the instant case, allows only partial disability compensation because to allow compensation for "total disability" would be to hold the employer accountable for something that occurred before the employment began. The instant case, and the cases in accord, rest on the theory that the employee's pay was limited on entering the employment, by reason of his incapacity, so that the allowance of "total disability" compensation, based on this limited pay, is no hardship to the employer. For an interesting discussion of both views see 1 CORNELL L. Q. 292. After the New York decision *supra* the New York *Workmen's Compensation Act* was amended (Consol. Laws, Ch. 67) so as to provide that only partial disability compensation could be recovered under the situation discussed in this article. The Minnesota Act has a provision to the same effect. Minn. Gen. St., Sec. 8209.